December 13, 2022

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: TRUTH Act Virtual Community Forum

Dear Board Members:

RECOMMENDATION: Pursuant to Government Code Section 7281.1(d), hold a virtual community forum regarding provision of information about individuals housed in the Marin County Jail to federal Immigration and Customs Enforcement Agency (ICE)

BACKGROUND: Beginning in 2018, the “TRUTH Act” (AB 2792; Bonta) requires the governing body of a local government, such as Marin County, to hold an annual community forum if a law enforcement agency operated by the County provided the federal Immigration and Customs Enforcement (ICE) agency with any ‘ICE access’ to individuals for civil immigration enforcement purposes during the prior calendar year.

The statute requires that the community forum be convened. No action is required by the local governing board. The meeting will be streamed live as a virtual forum in light of continued COVID-19 public health recommendations. Members of the public are encouraged to participate remotely. Spanish translation will be available.

SUMMARY: The Marin County Sheriff’s Office provided summary information regarding the provision of ICE access in cumulative detail since 2017 (see Attachment A), as well as for calendar years 2021 (Attachment B) and 2022 YTD through November 30, 2022 (Attachment C). While there are no reportable ICE access cases from the Marin County Probation Department, the Marin County Chief Probation Officer will be available should there be any questions.

Since passage of SB 54 in 2017, Sheriff policies have been modified to:

1. Emphasize that staff no longer inquire about immigration status when carrying out their duties;
2. Stop responding to ICE regarding release dates for low-level offenses; and
3. As of August 15, 2020, ICE is no longer allowed in the secure part of the jail facility. As a result, Sheriff’s staff no longer track ICE arrests made at the time of release from County custody.
As illustrated in the attachments, the number of ICE notifications in 2022 increased to 31 from 14 in 2021. Sheriff staff attribute this increase largely to the increase in the average daily population at the Jail.

Please let me know if you have any questions or concerns.

Submitted by,
Daniel Eilerman  
Assistant County Administrator

Reviewed by,
Matthew H. Hymel  
County Administrator

Cc: Sheriff Jamie Scardina  
Mark Hale, Captain, Detention Services  
Marlon Washington, Chief Probation Officer  
Brian Washington, County Counsel